



**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 9, 2004

SUBJECT: **2004-0505 – Classic Communities** [Applicant] **Sunnyvale Nursery Incorporated** [Owner]: Application for related proposals on a 2-acre site (Sunnyvale Nursery) located at **1485 Sunnyvale-Saratoga Road** in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (Mitigated Negative Declaration) (APNs: 323-30-055; 323-30-070; 323-30-072 and 323-30-073);

Motion **Special Development Permit** to allow the construction of 25 single-family homes, and

Motion **Tentative Map** to subdivide four lots into 25 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Commercial nursery and single-family residence

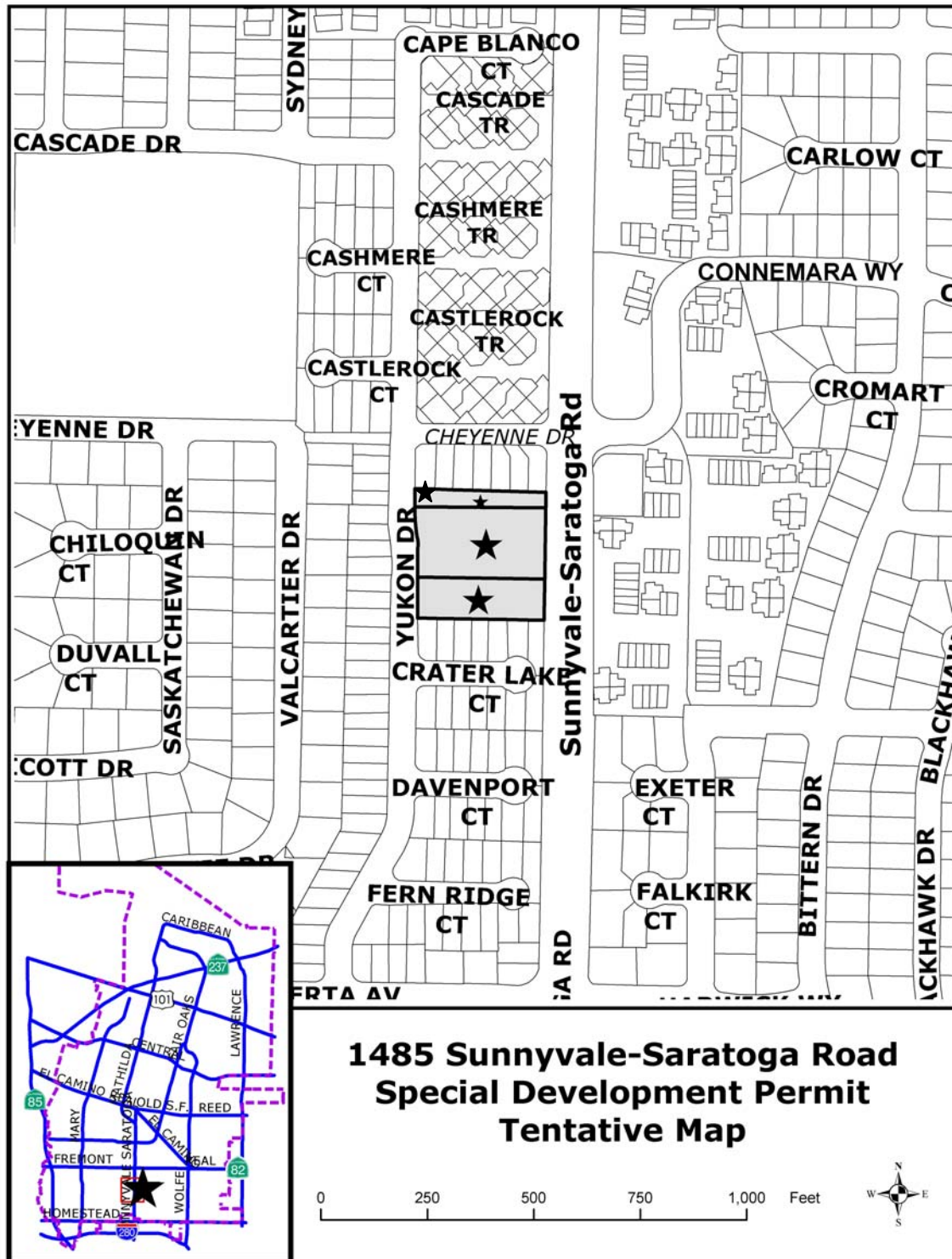
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Sunnyvale Saratoga Road and Townhomes
West	Single Family Residential

Issues Neighborhood Privacy
Landscaping
Floor Area Ratio

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Medium Density Residential (7- 14 du/acre)	Same	Low Medium Density Residential (7-14 du/acre)
Zoning District	R-2/PD	Same	R-2/PD
Lot Size (s.f.)	88,427 2.02 acres	Range from 2,700 sq. ft. to 5,500 sq. ft.	8,000 min.
Gross Floor Area (s.f.)	10,000	50,723	No max.
Lot Coverage (%)	11.3%	32.2%	40% max.
Floor Area Ratio (FAR)	11.3%	58%	45% max. without Planning Commission review
No. of Units	1	25	27 max.
Density (units/acre)	Less than 1 du/acre	12.3 du/acre	Up to 14 du/acre max. allowing for 15% density bonus above R-2 12 du/acre
Meets 75% min?	No	Yes	Housing Policy encourages achieving 75% of max. density
Bedrooms/Unit	3	13 3-bdrm units 12 4-bdrm units	No req.
Unit Sizes (s.f.)	N/A	Plan 1 (8): 1,736 Plan 2 (4): 1,993 Plan 3 (7): 2,236 Plan 4 (5): 2,404 Plan 5 (1): 2,136	No req.
No. of Buildings On-Site	4	25	No req.
Building Height (ft.)	25	27	30 max.



	EXISTING	PROPOSED	REQUIRED/ PERMITTED
No. of Stories	1 and 2	2	2 max.
Setbacks for the Entire Project from Yukon Drive (facing prop.)			
★ • Yukon Drive	N/A	10 ft.	20 ft. min.
• Left Side	N/A	15 -19 ft.	4 ft. min.
• Right Side	N/A	15 -19 ft.	12 ft. total
★ • Sunnyvale Saratoga Road	N/A	10 ft.	20 ft. min.
Landscaping (sq. ft.)			
• Total Landscaping	N/A	33,230	21,250 min.
• Landscaping/ Unit	N/A	1,329	850 min.
• Total Useable Open Space	N/A	19,377	12,500 min.
• Usable Open Space/Unit	N/A	775	500 min.
Parking			
• Total No. of Spaces	N/A	100	100 min.
• No. of Covered Spaces	N/A	50	50 min.
• Driveway Aisle Width (ft.)	N/A	20	20 min.
Stormwater			
• Impervious Surface Area (s.f.)	81,413 (92%)	56,753(64%)	Requires C3 provisions if >1 acre is disturbed

★ Starred and shaded items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/ Decision	Date
5310	Special Development Permit to remove a single family dwelling and a storage shed and to construct a 17,500 sq. ft. condo medical bldg.	City Council Denied	09/11/84
2003-0770	Special Development Permit to construct a new 109-unit senior living facility.	Withdrawn	10/20/03

Description of Proposed Project

The proposed project involves the following actions:

- Demolition of the existing commercial buildings and a single family dwelling.
- Construction of 25 two-story homes.
- Creation of a private street which gains access from Yukon Drive.
- Construction of a new sound wall along Sunnyvale Saratoga Road.

To accomplish the project, a Special Development Permit and Tentative Map must be approved to allow specific site, architecture and landscape design for the project as well as the proposed lot divisions.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures. (Attachment 3, Initial Study).

All of the recommended mitigation measures pertain to ambient noise impacts on the interior and exterior spaces from Sunnyvale Saratoga Road. The noise consultant suggested several mitigation measures, including special window installation, ventilation systems and a solid 8-foot high wall along Sunnyvale Saratoga Road. These mitigation measures are included in the Mitigated Negative Declaration as well as Conditions of Approval #9.

Special Development Permit

Use: The proposed detached single-family homes are a permitted use in the R-2 Zoning District and consistent with the surrounding land uses. Three of the 25 homes would be below-market rate (BMR), meeting the 12.5 percent minimum requirement for ownership units.

The project's 12.5 dwelling units/acre is consistent with both the R-2 Zoning District and the Low Medium Density Residential General Plan. A 15 percent density bonus above maximum zoning densities is permitted for projects which provide a minimum of 10% BMR units. This project complies with those requirements and meets the Housing and Community Revitalization Sub-element goal of providing 75% of the maximum density allowed.

Site Layout: The two-acre site cuts through the block with potential street access from both Sunnyvale Saratoga Road and Yukon Drive. Staff required the applicant to design access to the site from Yukon Drive, and not Sunnyvale Saratoga Road (see detailed discussion in the Parking/Circulation section of this report).

The overall project layout consists of a dead-end private street with sidewalks and parallel parking on both sides, and four car courts providing individual pedestrian and vehicular access to 20 of the 25 homes. The remaining five homes have direct access from Yukon Drive. Porches along Yukon are as close as 10 ft. from the front property line and homes along Sunnyvale Saratoga also have 10 ft. setbacks. Almost all of the homes have the rear yards abutting existing single family properties, with 15-19 ft. rear yard setbacks. The two outside homes along Yukon Drive have side yards abutting existing homes, one with a 5 ft. side yard setback (Lot 1) and the other with a 15 ft. setback (Lot 25).

Interior to the project, the homes have 4 ft. side yard setbacks on both the first and second stories. Plan 1 homes have front porches that are located approximately 6 ft. back from the sidewalk on the interior drive. A common open space area at the end of the drive serves all properties in the development.

The project deviates from both lot size/width and setbacks. Staff recommends approval of the lot size and width deviations as individual small lots increase the opportunity for home ownership and the project meets the housing goal of achieving 75% of the maximum density. In addition, these small lots are consistent with neighborhood sizes. Staff also recommends approval of the reduced setbacks. The reduced setbacks along Yukon Drive allow for pedestrian-friendly porches, and along Sunnyvale Saratoga Road they are consistent with other recently approved development. Interior setbacks deviate

from required side yard totals and second story setbacks; however, this allows for increased setbacks along the project perimeter.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>B9. Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.</i>	20 of the 25 proposed homes gain access from a private street. Covered front porches are set closer to the street than the garages, providing for a pedestrian-friendly frontage.

Architecture: The proposed architecture is complementary of the surrounding modern (Bahl patio home) styles. The architecture is influenced by Eichler designs, with low roof pitches, exposed rafters, vertical siding and long narrow window shapes placed at the corners of rooms. Most homes have porch features and the garage faces are either set behind the porch or accessed from the car courts. Many of the front porches have colored cinderblock walls with scored grids of varying densities. Three of the five plans have two significantly different elevations to further vary the streetscape (see Attachment 4, Elevations). Staff finds that the proposed architecture is high quality, complementary of the neighborhood style and meets the design standards for the City.

Floor Plans: Five different floor plans are proposed for the homes, varying in size from 1,293 sq. ft. to 2,013 sq. ft. of living area. The variety of floor plans is intended to provide visual interest and a wide range of living areas. Three of the five plans have garages from 388 to 390 sq. ft., less than the minimum 400 sq. ft. Staff supports this deviation as the proposed difference is minor (at most 12 sq. ft. less than the 400 sq. ft. requirement). Each home also has a separate laundry room and equipment is located outside the main garage area, providing more storage space. The minimum interior dimensions of the garage are met. See Attachment 5 for a breakdown of individual unit sizes, garage sizes, setbacks and lot coverage.

Floor Area Ratio: The proposed project FAR is 58%. There are two FAR standards which apply to this project: the small-lot policy of 50% overall FAR and the Zoning District threshold of 45% for single family properties. In 1998, the City Council adopted policies recommending a 50% FAR cap on small-lot single-family properties. The R-2 Zoning District requires Planning Commission review for projects that exceed the FAR threshold of 45%, though this is not considered a deviation from code standards.

The higher FAR is caused by the applicant maximizing the available density and unit sizes. The floor plans are moderately sized, with 20 of the 25 homes having less than 1,700 sq. ft. in living area. Lower FARs could be attained by reducing either size or number of units. Reducing the number of units could reduce the total number of below-market rate units.

Staff supports the FAR as proposed. The surrounding neighborhood has a similar density of approximately 12 du/acre and FARs ranging from 36% in Crater Lake Court to 48-60% along Yukon and Cheyenne Drives (see Attachment 8, Map of Surrounding FARs). The proposed project is similar to this density and FAR. Negative impacts of high FAR, such as building bulkiness and privacy impacts have been mitigated through high quality architecture and increased perimeter setbacks. The project's useable open space exceeds the minimum requirement. For these reasons, staff finds sufficient justification to allow a project with FAR higher than 50%.

The following Guidelines were considered in the analysis of the project architecture.

Basic Design Principles (Single Family Home Design Techniques)	Comments
<i>Respect the scale, bulk and character of homes in the adjacent neighborhood.</i>	The existing neighborhood character has 6 ft. walls set close to the sidewalk and modern, angular rooflines with geometric window shapes (triangles, diamonds, etc.) The proposed homes use elements of this style, with small front yard setbacks, modern architectural elements, and narrow, tall windows.
<i>Use high quality materials and craftsmanship.</i>	The proposed materials are high quality and the exteriors have a wide range of architectural details and treatments that are consistent with the Eichler style.

Landscaping, Fencing/Grading and Privacy:

Existing Landscaping: The existing site has several significant trees. Five have been removed already without a Tree Removal Permit due to ongoing nursery requirements. Twelve trees will be preserved, nine of which are along the north property line. A tree protection program will be required for the twelve trees to be preserved (Condition #21a). Staff also recommends that the Sunnyvale Nursery donate 5, 24-inch box Fern pines to mitigate for the removal of five previously removed trees (Condition #21g).

Proposed Landscaping: The proposed street trees are consistent with City standards. Deodar Cedars will be placed inside the proposed sound wall along Sunnyvale Saratoga Road and Shumardi Oaks installed along Yukon Drive. Front yards along the private drive will have Princess flower and fern pines. The 50% shading requirement does not apply to the private street, but staff will continue to work with the applicant to maximize shading in the interior car courts.

Fencing: The site currently has an 8 ft. masonry wall along the north property line and a 10 ft. masonry wall along the south property line. These walls will be maintained and new 6 ft. high fencing will be used to separate the new homes from each other. Along Sunnyvale Saratoga Road, a new 8 ft. high masonry wall will be installed with 5 ft. deep landscape pockets along the wall for decorative plantings.

Grading: The Grading Plan (Attachment 4) shows the proposed grade differentials between the project and the surrounding properties. The existing grade is approximately 2-3 ft. below that of the surrounding single family homes. With the proposed grading, the homes along the south property line will be a maximum of 2 ft. lower than the adjoining properties, and homes along the north side will be a maximum of 1 ft. higher than the adjoining properties.

Privacy: At the neighborhood meeting, many neighbors expressed a strong desire to maintain total backyard privacy. To address these concerns, the applicant has attempted to minimize window area along the rear elevations and proposes screening trees in the corner of yards to further inhibit views. In addition, the project has greater than minimum setbacks along the project perimeter to create more distance between existing and proposed homes. Staff finds these measures to be sufficient.

The following Guidelines were considered in analysis of the project landscaping.

Design Policy or Guideline (Landscape)	Comments
<i>Design homes to respect their immediate neighbors.</i>	The project will maintain existing screening walls, which will be at least 7 ft. tall from the highest adjoining grade. Windows have been minimized along the rear elevation and proposed tree screening addresses privacy concerns.

Parking/Circulation: Each home is required to provide two covered and two uncovered spaces, for a total of 100 spaces on-site. This requirement has been

met with two-car garages and various uncovered spaces in the car courts and parallel spaces along the private drive. Adequate fire truck and garbage truck access has been provided along the private drive.

Staff required the applicant to design access to the site from Yukon Drive for the following reasons:

1. *Safety*: Sustaining an unsignalized access point on a major arterial road is a traffic safety concern. Collisions related to access connections are one of the most frequent and severe collision types in California. This traffic safety issue would be exacerbated by cars slowing to speeds that make it safe to negotiate a 90-degree turn onto a narrow residential street where children may be present.
2. *Convenient Access Alternatives*: Convenient, direct and signalized access to Sunnyvale-Saratoga Road is available to the development from Yukon Road via Cheyenne and Alberta Drives.
3. *City Policy*: City policy calls for utilizing neighborhood streets to serve traffic oriented to neighborhoods (LUTE) N1.5.1.
4. *Efficiency of Sunnyvale Saratoga Road*: Sunnyvale Saratoga is one of the largest arterial roads in the City. Optimal arterial street design limits access to collector streets in order to facilitate car movements and reduce unexpected slowdowns in travel lanes and associated higher risks of collision.

Trash Collection: As a detached single-family home project, each house will have individual toters. These toters must be brought out to the private drive for pickup. Staff recommends that the CC&Rs have a provision for allowing garbage pickup along the private drive and ensuring that the toters are removed in a timely manner (TM Condition #6f).

Stormwater Management: This project falls within the requirements of the new stormwater ordinance (SMC Chapter 12.60). Any project that creates or disturbs one acre of impervious surface must reduce runoff. The proposed design has a landscaped grassy area at the end of the cul-de-sac that absorbs runoff and treatment devices in two of the courts to capture stormwater debris. The final stormwater management plan must be reviewed and approved by the Director of Community Development (Condition #23).

Easements/Undergrounding: There are two P.U.E easements along Sunnyvale Saratoga Road that will be maintained. The project proposes a storm drain easement for water runoff and a yard easement for Plan 1 homes to expand their yard area.

There are no overhead utilities on the current site. All proposed utilities must be placed underground (Condition #6).

Tentative Map

The project proposal includes 25 single-family lots and one common lot containing the private street, interior courts and common useable open space at the end of the street. If the project is approved, staff recommends TM Condition of Approval #6 requiring the formation of a homeowner's association and CC&Rs allowing for the joint use of the residential drive aisle, open parking spaces and rear open space.

Transportation Impact Fee

This project is subject to the Transportation Impact Fee.

Compliance with Development Standards

The project complies with all development standards except for the following:

Requested Deviations	Project Benefits
<ul style="list-style-type: none">• Individual Residential lots of less than 8,000 sq. ft. and less than 76 ft. in width.• Front, side and rear setbacks for individual lots less than minimums and front and rear setbacks of 10 ft. where 20 ft. is required for the overall project.• Minimum garage sizes of less than 400 sq. ft.	<ul style="list-style-type: none">• Creates opportunities for home ownership• Meets the housing goal of achieving 75% of the maximum density.• Provides common useable open space at the end of the common drive.• Exceeds required setbacks along the north and south property lines, increasing the distance between existing and proposed homes.• Exemplifies high-quality architecture that is compatible with the neighborhood.• Uses pedestrian-friendly features such as sidewalks on both sides of the street and porches.• Preserves mature trees along the perimeter.

Expected Impact on the Surroundings

As this project proposes new two-story homes, the project will have associated visual, privacy and traffic effects. Visual impacts are addressed through high-quality architecture and varied building massing to break up the bulk of the homes. Privacy impacts are mitigated through increased perimeter setbacks, window-size reductions along the upper floors and installation of screening plants. Transportation and Traffic staff have reviewed the proposed configuration and found that additional traffic impacts on Yukon will not be

significant. Overall, staff finds that all associated impacts have been mitigated to the extent possible.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Neighborhood Meeting: The applicant hosted a neighborhood meeting on July 12, 2004 and approximately 25 homeowners and residents attended. Questions were asked regarding screening walls, grading, and window placement, as well as traffic along Yukon Drive. The primary concern was yard and home privacy for the properties directly to the north and south of the project. In response to these concerns, the applicant redesigned the rear elevations of the affected homes to minimize window sizes and added screening planting at the corners of the lot.

Letters: Staff has also received letters from adjoining neighbors (Attachment 7). One letter had concerns with maintenance of the existing masonry wall, and another letter stated concerns with window design, sightlines into adjoining yards, and maintenance of the existing stucco wall.

PC Study Session: At the Study Session of July 26, 2004, Planning Commissioners raised concerns with the proposed access point along Yukon Drive and the associated traffic. Some Commissioners stated that they liked the architecture.

Notice of Mitigated Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 241 notices were mailed to the property owners and tenants within 300 ft. of the project site. Two homeowners' associations were notified.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Special Development Permit and Tentative Map with modifications.
3. Adopt the Mitigated Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Mitigated Negative Declaration
4. Site and Architectural Plans
5. Individual Project Lot Information
6. Letter from the Applicant
7. Letters from other interested parties
8. Map of Surrounding FARs

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element

Policy N1.4 – Preserve and enhance the high quality character of residential neighborhoods.

Policy N1.2 – Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

Policy C2.2 – Encourage the development of ownership housing to maintain a majority of housing in the city for ownership choice.

Housing and Community Revitalization Sub-element

Policy A.2 – All new residential developments should build at least 75% of the permitted zoning density.

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Staff finds that the project is in conformance with General Plan goals listed above. The project provides ownership housing at 12.5 du/acre, which is consistent with the General Plan, Zoning District and surrounding development density. The proposed architectural style is complementary of the surrounding homes, and the proposed landscaping and open space will visually benefit the neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

Staff finds that the project will not be detrimental to adjacent properties. The project design incorporates elements to protect neighborhood privacy, retain significant trees and respect prevailing architectural styles. The proposed density and lot sizes are consistent with the surrounding neighborhood.

Recommended Findings - Tentative Map

If any of the following findings can be made, the Planning Commission should not recommend approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the above findings, and recommends approval of the Tentative Map.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

GENERAL

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to expiration date.
3. Reproduce the conditions of approval on the plans submitted for building permits.
4. Project shall be in substantial conformance to the approved plans dated August 9, 2004. The Director of Community Development may approve minor changes; major changes may be approved at a public hearing by the Planning Commission.
5. Specific deviations allowed with this Special Development Permit are as follows:
 - a) Lot sizes of less than 8,000 sq. ft. and lot widths of less than 76 ft.
 - b) Front, side and rear setbacks for individual lots.
 - c) Front and rear setbacks for the project.
 - d) Garage sizes of less than 400 sq. ft.
6. All proposed utilities shall be undergrounded prior to occupancy.
7. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
8. The Transportation Impact Fee shall be paid prior to issuance of the building permit.

MITIGATION MEASURES

9. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:

- a) **What and where:** Install sound-rated windows for homes within a specified distance of Sunnyvale Saratoga Road to achieve 45dB or less. Include mechanical ventilation systems at the first row of dwelling units along the road (see attached Noise Study Diagram).

How: Indicate each home and show details of both window and mechanical ventilation systems on the building permit plans.

When: Prior to building permit final.

Who: The City will require this to be indicated on the building permit plans prior to issuance.

- b) **What and where:** Install an eight-foot tall fence or barrier along Sunnyvale Saratoga Road. The fence/barrier shall be acoustically effective and continuous with no cracks or gaps and should have a minimum density of 2 pounds per square foot.

How: Indicate the location and type of fencing on the building permits plans. Include details that show material complies with these requirements.

When: Prior to building permit final.

Who: The City will require this to be indicated on the building permit plans prior to issuance.

BELOW-MARKET-RATE UNITS

10. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
11. The project will provide 5 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
12. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) units.

13. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The sale price of the BMR units shall be established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
14. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
15. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
16. Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
17. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
18. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds there from shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

BUILDING DESIGN

19. All exterior architectural details that are included in the residential home plans reviewed by the Planning Commission shall be included in the final building plans.
20. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

LANDSCAPING AND SITE PLANS

21. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a) A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees

- proposed to be removed prior to issuance of building permits.
- b) Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size.
 - c) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - d) All areas not required for parking, driveways or structures shall be landscaped.
 - e) Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - f) The project shall provide funding for the installation of street trees as required by the Department of Public Works.
 - g) The Sunnyvale Nursery shall donate 5, 24-inch box Fern Pines for screening planting.
22. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
23. A final Stormwater Management Plan shall be subject to review and approval by the Director of Community Development prior to issuance of the building permit.
24. Submit a decorative paving plan for the driveways, indicating details of materials, patterns and colors for review and approval by the Director of Community Development.

PARKING

25. Garages shall be maintained at all times to allow for the parking of two automobiles.
26. Unenclosed storage of any vehicle longer than 18 feet intended for recreation purposes shall be prohibited on the premises.

Conditions of Approval - Tentative Map

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. A Final Map must be reviewed and approved prior to issuance of the building permit.
3. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
4. The subdivider shall install street trees as required by the Public Works Department.
5. The "In-Lieu Park Dedication Fee" shall be paid in accordance with MCS 18.10. in the amount of \$168,454.75 (\$6,738.19/unit) prior to issuance of Final Map.
6. Deeds, covenants, restrictions and bylaws relating to the development are subject to approval by the City Attorney and Director of Community Development prior to action of the Final Map. In addition to requirements as may be specified elsewhere, the CC&Rs shall include the following provisions:
 - a) Membership in and support of an association controlling all common facilities shall be mandatory for all property owners within the development.
 - b) The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&Rs pertaining to or specifying the City.
 - c) The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
 - d) The Agreement shall include the Conditions of Approval of this Special Development Permit.
 - e) Provisions for short and long term maintenance of landscaping, parking, driveways, private streets and utility connections.
 - f) Provisions for homeowners to bring their trash toters to the private drive for collection and removal in a timely manner to minimize occupying parallel parking spaces along the private drive.

- g) Posting of no parking signage in shared driveways and Emergency Vehicle Access areas.
- 7. Connect to all City utilities or private utilities operating under a City franchise that provides adequate levels of service.
- 8. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
- 9. The on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
- 10. Construct all public improvements prior to occupancy.
- 11. Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements (MCS 12.08.020).
- 12. Dedicate public utility easements at lot frontages as required by the utility companies.
- 13. Individual water services and meters shall be provided to each lot.
- 14. Installation of the water system shall conform to City standards and shall be part of the City (or franchised utility) system up to the master water meter serving the project. The water system shall be privately owned and maintained beyond the meters.